

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMUEL DUHAM-BEY,

Plaintiff,

Case No. 1:09-cv-191

v

HON. JANET T. NEFF

CYNTHIA WEMPLE, et al.,

Defendants.

OPINION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed a Motion for Temporary Restraining Order or Preliminary Injunction, requesting that the Court order Defendants to refrain from opening, censoring, confiscating or otherwise interfering with Plaintiff's legal mail, outside the Plaintiff's presence (Dkt 1 at 4). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on August 31, 2009, recommending that Plaintiff's Motion for Temporary Restraining Order or Preliminary Injunction be denied (Dkt 27 at 2). The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation. In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Opinion and Order.

Plaintiff makes two general objections to the Report and Recommendation. First, Plaintiff argues that he has shown a likelihood of success on the merits (Dkt 29 at 2). Second, Plaintiff

argues that he will continue to suffer irreparable injury if the Court does not grant the injunction (*id.*). Plaintiff's arguments merely reiterate his arguments set forth in the Motion for Temporary Restraining Order or Preliminary Injunction filed on August 26, 2009 (Dkt 22). The arguments do not demonstrate any error by the Magistrate Judge. The Court therefore denies Plaintiff's objections.

For these reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Opinion and Order would not be taken in good faith. *See McGore v. Wigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997).

An Order will be entered consistent with this Opinion.

Dated: January 25, 2010

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge